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OKLAHOMA STATE DEPARTMENT *of* EDUCATION

MEMORANDUM

TO: The Honorable Members of the State Board of Education
FROM: Joy Hofmeister
DATE: October 27, 2016
SUBJECT: Administrative Rule Promulgation

The State Board of Education will be taking action at the October meeting on the following administrative rule amendments, pursuant to the *Oklahoma Administrative Procedures Act*, 75 O.S. § 250 *et seq.*:

- (1) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 1. General Provisions
210:10-1-4. Length of term [AMENDED]

The rule outlining the minimum length of a school year must be updated to incorporate both scheduling options available to school districts. Historically, the minimum length of the school year was 180 days. House Bill 1864 (2009) added the option for school districts to adopt a total-hours rather than a total-days school calendar, with a minimum of 1,080 hours per school year that school must be in session. The rule is being amended to include the 1,080 hours scheduling approach, and the October 15 deadline by which school districts must inform the State Board of Education they have adopted this option.

- (2) Title 210. State Department of Education
Chapter 10. School Administration and Instructional Services
Subchapter 13. Student Assessment
210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

The rule lays out the state graduation requirements that were in place under the Achieving Classroom Excellence (ACE) Act, and an appeal process for students who were denied a diploma under the end-of-instruction (EOI) exam requirements of 70 O.S. § 1210.523. House Bill 3218 (2016) repealed ACE, and the end-of-instruction graduation requirements are no longer in place.

- (3) Title 210. State Department of Education
Chapter 25. Finance
Subchapter 5. Budgeting and Business Management

Part 2. Personnel and Procedures

210:25-5-10. The encumbrance clerk [AMENDED]

210:25-5-11. The school district treasurer [AMENDED]

70 O.S. § 5-190, the statute that sets out required training for school district treasurers and encumbrance clerks, was amended by House Bill 2315 (2016) to allow for the training requirements to be satisfied by instruction completed within 3 years prior to employment in those positions. The rules for school district treasurers and encumbrance clerks currently only allow for training within 9 months *after* employment, and must be updated to reflect the new prior-instruction option.

- (4) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools
Part 19. Standard X: School Facilities
210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety [AMENDED]

House Bill 2931 (2016) amended 70 O.S. §§ 5-148 and 5-149 to change the requirements for certain types of safety drills. Prior to HB 2931, public schools were required to conduct 2 "lockdown drills" and 2 "intruder drills" per school year. The amended statutes now require 4 "security drills" in place of the former lockdown and intruder drills, and the rule addressing health and safety requirements for school facilities must be updated to reflect the new drill requirements.

- (5) Title 210. State Department of Education
Chapter 35. Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools
Subchapter 25. Student Entrance and Progression Through the System
210:35-25-3. Annual student dropout reports to local school boards [AMENDED]

The statute that directs school districts to submit reports to the State Department of Education indicating students that have dropped out of school was amended by Senate Bill 1004 (2016) to make the report an annual submission requirement, rather than a quarterly requirement. The rule must be updated to remove language directing districts to submit quarterly dropout reports, which are no longer required.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 1. GENERAL PROVISIONS**

210:10-1-4. Length of term

- (a) The minimum length of term the school year will be one hundred eighty (180) days or one thousand eighty (1,080) hours ~~ten (10) months, (180 days actually taught).~~ ~~Provided provided not to exceed up to five (5) days or thirty (30) hours per school year of 180 days required may be used for attendance of professional meetings. A school district that adopts a 1,080 hours policy rather than a 180 day policy shall notify the State Board of Education prior to October 15 of the applicable school year.~~ Where professional days are taken, they shall be so recorded in the register of attendance in a like manner as holidays are recorded. The legal aggregate days attendance will be divided by days actually taught to obtain the legal average daily attendance. Any school district holding less than a full term will have its state aid reduced proportionately. No district may have less than a full term of school unless conditions over which it has no control exist that would prevent the district's holding a full term. In cases where sites within a district have different length terms the average daily membership (ADM) and average daily attendance (ADA) should be calculated for each site separately.
- (b) School activities must be under the direction or supervision of the teacher or supervisor whether such activities take place within or without the school building or school grounds in order to be considered a school day or part of a school day. Pupils dismissed and not under the direction or supervision of the teacher cannot be considered as participating in scheduled school activities. A student serving as a Page to the Legislature may be counted in attendance.
- (c) All pupils attending any school within a school district including underage, overage, non-resident, and non-transferred pupils shall have their names entered in the attendance register and have their attendance recorded in the same manner as any other pupil.

RULE IMPACT STATEMENT
210:10-1-4. Length of term [AMENDED]

- a. **What is the purpose of the proposed rule change?**
The rule outlining the minimum length of a school year must be updated to incorporate both scheduling options now available to school districts. Historically, the minimum length of the school year was one hundred eighty (180) days. House Bill 1864 (2009) added an option for school districts to adopt a total-hours rather than a total-days school calendar, with a minimum of one thousand eighty (1,080) hours per school year that school must be in session. The rule is being amended to include the 1,080 total-hours approach, and the October 15 deadline by which school districts must inform the State Board of Education they have adopted this option.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect school districts, in that when districts consult the rule on the length of the school year it will reflect the current options rather than only the one scheduling approach that was formerly available.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.

- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**

The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** September 6, 2016

STATUTORY AUTHORITY FOR 210:10-1-4

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Article I - Scope, Organization, and Definitions

Section 1-109 - School Year for Public Schools - Criteria for Extended Day Schedule

A. For all public schools in Oklahoma, school shall actually be in session and classroom instruction offered:

1. For not less than one hundred eighty (180) days; or

2. For not less than one thousand eighty (1,080) hours each school year, if a district board of education adopts a school-hours policy and notifies the State Board of Education prior to October 15 of the applicable school year.

B. A school district may not count more than thirty (30) hours each school year that are used for attendance of professional meetings toward the one hundred eighty (180) days or one thousand eighty (1,080) hours of classroom instruction time required in subsection A of this section.

C. Teachers off contract with an employing district shall not be required by the employing school district to attend professional meetings unless the teacher is paid additional compensation for the additional time. Teachers may be paid additional compensation for attending professional meetings in excess of their contract term. Subject to district board of education policy or collective bargaining agreement, additional paid professional days may be granted for individual teachers to attend or participate in professional meetings, staff development training, or National Board certification portfolio development as provided for in [Section 6-204.2](#) of this title.

D. A school district may authorize parent-teacher conferences to be held during a regular school day. If authorized by the school district, parent-teacher conferences shall be counted as classroom instruction time for no more than six (6) hours per semester, for a total of twelve (12) hours per school year.

E. A school district may maintain school for less than a full school year only when conditions beyond the control of school authorities make the maintenance of the term impossible and the State Board of Education has been apprised and has expressed concurrence in writing.

F. The State Board of Education shall establish criteria for an extended-day schedule for schools subject to paragraph 1 of subsection A of this section. The criteria shall:

1. Prescribe a lengthened school day within limits determined not to be detrimental to quality instruction;

2. Ensure that the schedule is equivalent in annual hours of instruction to the one-hundred-eighty-day school year specified in paragraph 1 of subsection A of this section; and

3. Be consistent with the provisions of this section and [Sections 1-111](#) and [1-112](#) of this title, but may result in fewer annual days of instruction.

G. Notwithstanding the provisions of subsection F of this section, a school district board of education subject to paragraph 1 of subsection A of this section may adopt and implement an extended-day schedule subject to the following requirements:

1. The annual number of hours of instruction shall equal or exceed one thousand eighty (1,080) hours, which is the equivalent of one hundred eighty (180) days of instruction as specified in subsection A of this section for six (6) hours each day as specified in [Section 1-111](#) of this title;
 2. The annual number of days of instruction shall equal or exceed one hundred eighty (180) days as specified in subsection A of this section;
 3. The schedule adopted shall be consistent with the provisions of [Sections 1-111](#) and [1-112](#) of this title, except that for not more than one (1) day per week, a school day shall consist of not less than five (5) hours devoted to academic instruction in a regular classroom setting;
 4. The district shall hold a public hearing prior to the adoption of an extended-day schedule authorized pursuant to this subsection; and
 5. The district shall document the impact on student achievement as determined by the academic performance data score and any other relevant factors that are a result of implementation of an extended-day schedule authorized pursuant to this subsection and provide an annual report to the State Board of Education of the results. If improvement in student achievement cannot be documented in the report, the district board of education shall revoke authorization as provided by this subsection. If the district does not revoke authorization after student achievement is not documented in the report, the State Board of Education may deny accreditation of any school in violation of this subsection.
- H. If subject to paragraph 2 of subsection A of this section, a district board of education or designee may elect to close a school during the school day for inclement weather purposes. In such an event, the number of hours incurred in classroom instruction time prior to school closure shall be counted toward the one thousand eighty (1,080) hours per year requirement.
- I. Nothing in this section shall be construed as affecting the right of an employing school district to require teachers as defined in [Section 6-101.3](#) of this title to work in excess of the one thousand eighty (1,080) hours required for student instruction. In addition, nothing in this section shall be construed to affect the Fair Labor Standards Act status of any school district employee.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES
SUBCHAPTER 13. STUDENT ASSESSMENT**

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

(a) ~~**Definitions.** Words and terms in this section shall have the following meaning:~~

(1) ~~"**Alternate method**" means demonstrating mastery of state academic content standards through an End of Course Project designed and approved by the State Board of Education. An End of Course Project is a project integrating and applying the knowledge and skills gained throughout a course to address a practical, real world challenge.~~

(2) ~~"**Alternate test**" means a state or national test approved by the Oklahoma State Board of Education for one or more of the subject areas assessed by an end-of instruction (EOI) exam, which equals or exceeds the rigor of the EOI exam.~~

(3) ~~"**Extenuating Circumstances**" means circumstances which are unexpected, significantly disruptive, beyond a student's control, and which may have materially affected his/her academic performance.~~

(4) ~~"**Proficient/Satisfactory**" means achieving at least the minimum score for demonstrating mastery as defined by the State Board of Education on an academic achievement test of the Oklahoma School Testing Program (OSTP).~~

(b) ~~**ACE graduation requirements.** In accordance with 70 O.S. § 1210.523(A)–(E), students may graduate from a public high school with a standard diploma by demonstrating mastery in the state academic content standards for Algebra I; English II; and two of the following five: Algebra II, Biology I, English III, Geometry, and United States History. Students may demonstrate mastery by attaining at least a satisfactory or proficient score on the EOI exams or the following ways:~~

(1) ~~Students who do not attain at least a satisfactory or proficient score on any of the four required EOI exams may be eligible to graduate with a standard diploma by completing at least one of the steps below until a satisfactory or proficient score is attained and all other graduation requirements are met:~~

(A) ~~Students shall be provided one or more remediation opportunities and will either:~~

(i) ~~Retake the EOI exam(s) needed to fulfill graduation requirements;~~

(ii) ~~Score satisfactory or proficient on a State Board of Education approved alternate test in the subject area. The approved alternate test may be taken prior to or subsequent to the EOI exam; or~~

(iii) ~~Demonstrate mastery of the subject matter through an End of Course Project which includes meeting the level of mastery defined by the rubrics explained in paragraph (b)(2) of this section.~~

(B) ~~School districts will only provide remediation for students while they are enrolled in public school.~~

(C) ~~An alternate test may be used to meet the graduation requirements for more than one EOI exam. A student may take more than one alternate test to meet the graduation requirements.~~

(D) ~~Remediation opportunities will be outlined in the local school district remediation plan (70 O.S. § 1210.523). School districts shall document a student's failure to~~

participate in remediation including written acknowledgement of the graduation requirements by the student's parent or guardian.

(E) — School districts shall document a student's failure to complete test retake opportunities. Documentation shall include written acknowledgement by the student's parent or guardian of the graduation requirements related to EOI tests.

(2) — Students who have not attained a satisfactory or proficient score on one or more EOI exams needed to graduate may demonstrate mastery through an End of Course Project (Alternate Method).

(A) — In order to demonstrate mastery and graduate through an alternate method on EOI exams, students must complete an End of Course Project for Algebra I, Algebra II, Biology I, English II, English III, Geometry, or United States History. End of Course Projects will be designed by the State Department of Education and approved by the State Board of Education.

(i) — End of Course Projects for English II and English III must include a response to literature and a writing sample of comparable rigor to the EOI exams.

(ii) — End of Course Projects for Biology I must include the process standards as assessed through laboratory experiments.

(B) — End of Course Projects shall be classified by the State Department of Education and submitted to the State Board of Education for approval in three different categories: Category A, Category B, or Category C. Category A projects shall be offered to all students who choose the Alternate Method. Category B projects shall be offered as an Alternate Method to students as directed by an IEP and/or LIEP, and shall incorporate additional, varied approaches for students to demonstrate mastery of the state academic content standards. Category C projects shall be offered as an Alternate Method to students with the most significant cognitive disabilities and shall be designed for students who are participating in an OAAP assessment for that subject area in accordance with the student's IEP.

(C) — School districts shall submit completed student End of Course Project(s) to the State Department of Education by April 1, August 1, or November 1 of each year. Projects will be evaluated and returned within 45 business days. Subject to the availability of funds, the State Department of Education may contract with individuals, educational institutions, or companies to evaluate these End of Course Projects. Evaluators shall use rubrics approved by the State Board of Education for determining student mastery of state academic content standards through End of Course Projects. If funds are not available, End of Course Projects will be evaluated at the local school district level according to requirements of the State Board of Education, and school districts shall submit reports of all student End of Course Project(s) either in progress or completed by April 1, August 1, and November 1 of each year.

(D) — End of Course Projects must be retained for a minimum of 5 years from completion.

(3) — Students who do not receive instruction in Oklahoma public schools may demonstrate mastery in required subjects by submitting documentation of proficiency on an equivalent state EOI exam(s) in the state in which instruction was received; attaining at least a satisfactory or proficient score (as defined by the Oklahoma State Board of Education) on the Oklahoma EOI exam(s); meeting the approved level of proficiency on an alternate test(s);

~~demonstrating mastery through an End of Course Project(s) as described in (b)(1) and (b)(2) of this section.~~

~~(4) — Students who do not have an opportunity to take required EOI exams without extending the date of graduation may demonstrate mastery in required subject areas by meeting the approved level of proficiency on an alternate test(s) or an End of Course Project(s).~~

~~(5) — Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) may demonstrate mastery of state academic content standards through a modified proficiency score on the state assessment(s) as established by the IEP Team. Any deviation from the standard conditions, accommodations, or proficiency score on the state assessment(s) must be established on the student's IEP, and shall be recorded on the student's cumulative record.~~

~~(6) — Students who have an Individualized Education Program (IEP) in accordance with the Individuals with Disabilities Education Act (IDEA) that directs that the student is to be assessed with alternate achievement standards through the Oklahoma Alternate Assessment Program (OAAP) may demonstrate mastery of state academic content standards upon a determination by the school district that the student has met all of the following criteria:~~

~~(A) — The student's special education teacher of record, after consultation with the student's teacher in each subject in which the student failed to meet the requirements of (b) of this Section, provides the student with a written recommendation that the student should graduate with a standard diploma. The written recommendation shall be signed by the special education teacher of record, and shall include:~~

~~(i) — A signed written statement by the principal of the student's school indicating support of the recommendation for graduation; and~~

~~(ii) — Documentation demonstrating the acquired knowledge of the student by alternate measures as required by the IEP;~~

~~(B) — The student completes remediation opportunities to the extent required by the IEP;~~

~~(C) — The student retakes the exam in each subject in which the student failed to meet the requirements of (b) of this Section if the IEP requires retake opportunities;~~

~~(D) — The student maintains at least a "C" average or the equivalent in each subject in which the student failed to meet the requirements of (b) of this Section; and~~

~~(E) — The student meets all other graduation requirements of the school district in which the student is enrolled.~~

~~(7) — Students who have scored ten percent (10%) above the cut scores annually approved by the State Board of Education on a designated alternate test shall have been deemed to have satisfactorily demonstrated mastery of state academic content standards in the subject area for which the alternative test has been approved by the State Board of Education and shall be exempt from taking the EOI exams in the corresponding subject area for which the alternate test has been approved. For purposes of this paragraph, the designated alternate tests shall be limited to the following exams:~~

~~(A) — The American College Testing Program (ACT);~~

~~(B) — The Scholastic Aptitude Test (SAT); or~~

~~(C) — The ACT Plan or Preliminary Scholastic Aptitude Test/National Merit Scholarship Qualifying Tests (PSAT/NMSQT).~~

~~(8) — Students who have attained a score that is equal to or above the cut scores annually approved by the State Board of Education on a designated alternate test shall have been deemed to have satisfactorily demonstrated mastery of state academic content standards in~~

~~the corresponding subject area for which the alternate tests has been approved by the State Board of Education and shall be exempt from taking the EOI exams in the corresponding subject area for which the alternate test has been approved. For purposes of this paragraph, the alternate tests shall be limited to the following exams:~~

- ~~(A) — Advanced Placement (AP) course exams;~~
- ~~(B) — The ACT WorkKeys job skills assessment;~~
- ~~(C) — College Level Examination Program (CLEP) exams; or~~
- ~~(D) — International Baccalaureate (IB) exams.~~

~~(9) — The exemptions and exceptions set forth in this Section pertain only to ACE end-of-instruction graduation requirements. Nothing in this subsection shall be interpreted as exempting students from the course graduation requirements for completion of curriculum units or sets of competencies at the secondary level as set forth in 70 O.S. §11-103.6.~~

~~(10) — Each year school districts shall report to the State Department of Education through the School District Reporting Site, by school site, the number of students issued standard diplomas based on the exceptions and exemptions outlined in these rules, including the categories of exceptions and exemptions granted.~~

~~(c) — **ACE cumulative record.** In order to facilitate the monitoring of student progress toward meeting the graduation requirements of 70 O.S. § 1210.523, districts will maintain an Achieving Classroom Excellence (ACE) Demonstration of Mastery cumulative record for those students who do not attain at least a satisfactory or proficient score on any of the required EOI exams. All school districts in the state shall use this cumulative record uniform document, or all information required on the uniform document must be contained within the district's student information system. The State Department of Education will provide an electronic version of this cumulative record to the districts. This cumulative record shall accompany the student when transferring to a new district. For each student who meets the graduation requirements, the student's transcript shall read, "The student has met the graduation requirement of demonstrating mastery in the state academic content standards."~~

~~(d) — **Appeal of denial of a standard diploma.** Any student who has been denied a standard diploma by the school district in which the student is or was enrolled for failing to meet the educational requirements of 70 O. S. § 1210.523 may appeal the denial to the State Board of Education in accordance with the following procedures:~~

~~(1) — **Who may petition for appeal.** Petitions for appeal of a denial of a student diploma may be filed by the following:~~

~~(A) — A parent or legal guardian of a student or an individual who has been issued letters of guardianship of the person of a student pursuant to the Oklahoma Guardianship and Conservatorship Act, or an adult who has assumed permanent care and custody of a student in accordance with local district policies and 70 O.S. §1-113(A)(1) may file an appeal with the State Board of Education as a petitioner on behalf of the student if the student is either considered a minor child as of the date of denial of the student's diploma; if the student is considered legally incompetent as of the date of denial of the student's diploma; or both.~~

~~(B) — A student who is not otherwise considered legally incompetent may file a petition for appeal directly with the State Board of Education as a petitioner if the student has either:~~

~~(i) — Obtained the legal age of majority set forth under Oklahoma law; or~~

- (ii) ~~Rights of majority have been conferred upon the student by a judicial order recognized by the courts of the State of Oklahoma.~~
- (C) ~~A school, school district, or local school board in which a student is or was enrolled may not name itself as a Petitioner for a student or file a petition on behalf of a student. Any petition for appeal submitted by a school district as a petitioner on behalf of a student shall be grounds for automatic dismissal of the petition for appeal.~~
- (2) **Filing requirements.** A petition for appeal must comply with the following requirements:
- (A) **Time of filing.** ~~A notice of appeal must be submitted in writing for filing to the Secretary of the State Board of Education within thirty (30) days after the date the student, parent(s) of the student, or legal guardian of the student receives a written notice of denial of a standard diploma issued by the school district or local board of education. In absence of receipt of a written notice of denial of a standard diploma, a diploma shall be deemed denied if not granted within ninety (90) days of the last day of the last semester of the last school year in which the student attended school.~~
- (B) **Method of filing.** ~~Petitions for appeal may be submitted for filing to the Secretary of the State Board of Education in person or by mail. A petition submitted for filing by mail may be accepted for filing if the mailing envelope contains a postmark dated on or before the date of the filing deadline.~~
- (C) **Verification of a petition for appeal.** ~~The petition for appeal must be signed by the petitioner(s) and the school district's Superintendent or the Superintendent's legal designee, for the purpose of verifying that, to the best of the individual's knowledge, the information submitted in the appeal is accurate and correct.~~
- (D) **Acceptance of a petition for filing.** ~~Upon receipt of the petition for appeal, the Secretary of the Board shall acknowledge receipt of the request in writing and notify the student and/or parent or legal guardian when the appeal shall be submitted to the State Board of Education for action. All timely filed petitions for appeal shall be brought to the State Board of Education for action. The Board shall take action on the petition no later than forty five (45) days after the date of receipt of a timely filed petition.~~
- (3) **Review of petitions.** ~~The State Board of Education shall appoint a committee consisting of employees of the State Department of Education to assign a case number for reference, review the petitions for appeal, and identify the basis for which the standard diploma was denied.~~
- (A) **Factors considered in recommending acceptance or denial of an appeal.** ~~The committee shall make a recommendation of action on the appeal to the State Board of Education based on the following criteria:~~
- ~~(i) Completion and scores of EOI exams;~~
 - ~~(ii) Remediation and retests of EOI exams;~~
 - ~~(iii) Completion and scores of Alternate tests approved by the State Board of Education;~~
 - ~~(iv) Completion of End of Course Projects approved by the State Board of Education;~~
 - ~~(v) Completion or scores of alternative methods approved by the State Board of Education;~~
 - ~~(vi) The existence of an extenuating circumstance, as defined in section (a) of this rule;~~

- (vii) ~~—The availability of testing opportunities;~~
 - (viii) ~~—Other methods identified by the student, which demonstrate mastery of state academic content standards, referenced in section (b) of this rule, not to include completion of the course;~~
 - (ix) ~~—The exhaustion of reasonable alternative methods and exemptions and exceptions approved by the State Board of Education, including the existence of extenuating circumstances; and~~
 - (x) ~~—Whether action is appropriate based on the statutory language of 70 O. S. § 1210.523. Petitions for appeal which are untimely filed shall be submitted to the Board with a recommendation for denial based upon untimeliness,~~
- (B) — Deficiencies in petitions for appeal.** The State Board of Education may provide petitioners with an opportunity to remedy deficiencies in an appeal filed in an inaccurate or incomplete manner in accordance with the following procedures:
- (i) ~~—Prior to submission to the State Board of Education with a recommendation for denial based upon a deficiency in the petition, the petitioner shall be notified in writing of the deficiency in the appeal and provided five (5) business days from the receipt of written notification to resolve any deficiencies identified in the petition for appeal.~~
 - (ii) ~~—Within five (5) business days from receipt of the written notification of deficiency, Petitioner shall either:~~
 - (I) ~~—Provide the Board with all information and/or documentation necessary to remedy the deficiency; or~~
 - (II) ~~—In the event a petitioner requires additional time to remedy the deficiency, Petitioner may request a stay/continuance of thirty (30) calendar days and provide the Board a signed waiver of the forty five (45) day deadline in accordance with subparagraph (4)(A) of this section. Failure by a petitioner to complete the steps necessary to timely remedy a deficiency in a petition in accordance with the procedures set forth in (d)(3)(B)(ii) shall result in a recommendation submitted to the State Board of Education for denial based on deficiency.~~
- (C) —** Upon completion of review of the petition, the committee shall submit to the Board:
- (i) ~~—A copy of each petition for appeal;~~
 - (ii) ~~—A written explanation of the petition;~~
 - (iii) ~~—Copies of all evidence and/or documentation submitted to the Board by a petitioner in support of the appeal;~~
 - (iv) ~~—Any additional information that may be necessary for the Board to take action;~~
 - (v) ~~—A recommendation of either acceptance or denial of the petition.~~
- (4) — Dismissals of petitions for appeal.** At any time after filing, a petition for appeal may be dismissed by the Board prior to final action in accordance with the following procedures:
- (A) ~~—Grounds for dismissal of a petition may be based upon a demonstration of evidence of one or more of the following circumstances:~~
 - (i) ~~—The appeal has been rendered moot (e.g., petitioner subsequently meets all ACE requirements during the pendency of the appeal);~~
 - (ii) ~~—Appeal is filed by a party who is not a proper petitioner as set forth by (d)(1) of this section;~~
 - (iii) ~~—The appeal is premature (e.g., petitioner's diploma has not yet been denied);~~

- (iv) ~~Denial of diploma was based on factors unrelated to failure to demonstrate mastery of state academic content standards set forth in 70 O.S. § 1210.523 (e.g., denial based upon lack of credit hours necessary to meet graduation requirements set forth in 70 O.S. § 11-103.6);~~
- (v) ~~Inaction by Petitioner (e.g., failure to timely respond to requests for additional evidence or information from the State Board) or~~
- (vi) ~~Dismissal is requested by the Petitioner.~~
- (B) ~~Prior to dismissal, petitioner shall be provided with reasonable notice of intent to dismiss the appeal and opportunity to respond in accordance with the following procedures:~~
 - (i) ~~The notice of intent to dismiss the appeal shall conform to the requirements of notice set forth in 75 O.S. § 309, and shall include:~~
 - (I) ~~A statement notifying the Petitioner of the forty five (45) day time requirement set forth in 70 O. S. § 1210.523;~~
 - (II) ~~A statement providing the Petitioner with five (5) business days from Petitioner's receipt of notice of intent to dismiss, to respond to the notice of intent to dismiss by either submitting a written opposition to dismissal, or requesting a stay/continuance of the action in accordance with the procedures set forth in (d)(5)(A) of this section; and~~
 - (III) ~~A statement that Petitioner's failure to respond to the notice of intent to dismiss within five (5) business days from Petitioner's receipt of notice of intent to dismiss the appeal may result in dismissal of the petition by the Board without further action on the appeal.~~
- (5) ~~**Notice of action on petition recommended to the Board.**~~ ~~Following review of the petition for appeal, the Petitioner shall receive written notification as to the recommended action (i.e., acceptance or denial of the petition) that will be presented to the State Board. Written notification of the recommended action must be received by the Petitioner at least five (5) business days prior to the meeting of the State Board of Education in which the recommendation will be presented.~~
 - (A) ~~At any time prior to final action on the appeal, the State Board may grant a stay or continuance of an action on an appeal upon receipt of a motion for continuance by Petitioner and a written waiver by Petitioner of the forty five (45) day deadline for action upon an appeal set forth at 70 O.S. § 1210.523 and accompanying rules.~~
 - (B) ~~Recommendations for denial of a petition for appeal shall be based upon the grounds set forth in paragraph (d)(3) of this section.~~
- (6) ~~**Action on a petition for appeal.**~~ ~~After review of the petition for appeal in accordance with the procedures set forth in (d)(3) of this section, the State Board of Education shall take action on a petition for appeal based on the merits of the written information provided in the appeal.~~
 - (A) ~~The Board shall consider a petition for appeal in the form of a "Consent Docket," which shall be considered as one item.~~
 - (B) ~~Any member of the Board may request that a petition for appeal be removed from the "Consent Docket" for discussion or to be separately considered. If such a request is made, the matter shall be removed from the docket and presented for individual action by the State Board of Education.~~

~~(C) In the event the Board determines that there is insufficient evidence in order to make an effective or proper ruling on the appeal, the State Board of Education may, by a vote of the majority of members, remove a petition for appeal from the "Consent Docket" and set a hearing for further review and consideration in accordance with the procedures set forth at (d)(7) of this section.~~

~~(7) **Procedures for hearings on appeal of a petition.** If the Board determines a hearing is necessary, the Secretary of the Board shall conduct a hearing in accordance with the Oklahoma Administrative Procedures Act, 75 O.S. § 309 et seq. and with the following procedures:~~

~~(A) The Board shall provide the Petitioner(s) and all interested parties, if any, with reasonable notice of the hearing and opportunity to appear at the hearing to present explanation of the petition, evidence submitted to the Board, and/or any additional information that Petitioner believes may be necessary for the Board to take action. Any proper party to the appeal shall have the right to designate legal counsel to appear and act for and on behalf of the party represented, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma.~~

~~(B) In addition to the contents of the notice required by 75 O.S. § 309, the notice shall also advise Petitioner of:~~

~~(i) The forty five (45) day time requirement set forth in 70 O. S. § 1210.523;~~

~~(ii) Petitioner's opportunity to submit a motion and waiver of Petitioner's right to final action of the board along with a waiver of the forty five (45) day time requirement in accordance with the procedures set forth in (d)(5)(A) of this section; and~~

~~(iii) A statement that Petitioner's failure to respond to the notice of petition and/or appear at the hearing, may result in dismissal of the petition for appeal.~~

~~(C) The school district in which the student is or was enrolled shall be named as an "Interested Party" and shall be provided with notice and opportunity to appear and present evidence at the appeal hearing before the State Board of Education.~~

~~(D) The determination of the State Board of Education shall be considered a final agency order, shall be issued in writing, and shall conform to the requirements of final agency orders set forth in 75 O.S. § 312.~~

~~(e) **Exceptions and Exemptions to Student Requirements to Demonstrate Mastery of State Academic Content Standards.** The State Board of Education may approve the petition for appeal of students and grant a waiver of one or more EOI assessments for students who have provided evidence of the existence of at least one of the following:~~

~~(1) Facts documenting events, conditions, or situations which fall within the definition of "extenuating circumstances" set forth in paragraph (a)(3) of this section; or~~

~~(2) Demonstration of mastery of the state academic content standards referenced in subsection (b) of this rule, by successful completion of a higher level course in the same subject matter and attaining a satisfactory or proficient score in an EOI exam in that same course.~~

~~(f) **Reporting appeal data.** By September 1 of each year, each school district shall report to the State Department of Education all data necessary for the Board to complete the annual report required pursuant to 70 O. S. § 1210.523 by the October 1 deadline. The report provided to the State Department of Education shall include, at a minimum, the total number of students in the school district who filed petitions for appeal of denials of diplomas which occurred in the~~

previous school year, and the total number of those petitions filed which were granted. Data shall include subtotals of number of appeals filed and granted for each school site. Information collected pursuant to state statute shall be made available to the district's Regional Accreditation Officer (RAO) during the accreditation process.

~~(g) — **Re-enrollment for remediation.** Students who have successfully completed all courses necessary to graduate from high school with a standard diploma but were denied a standard diploma for failing to meet the graduation requirements 70 O.S. § 1210.523 shall be eligible for re-enrollment in the school district that denied the student a standard diploma until the student has reached the age of twenty one (21) years old. Enrollment shall be solely for the purpose of obtaining all remediation and/or intervention and opportunities necessary for the student to demonstrate mastery of state academic content standards in the subject area or areas in which the student failed to demonstrate mastery in accordance with the requirements of this Section. Students who re-enroll in the school district pursuant to this subsection shall be exempt from the hourly instructional requirements of 70 O.S. § 1-111 and the six period enrollment requirements of 70 O.S. § 11-103.6. State aid funding for students enrolling part time in accordance with the provisions of this subsection shall be calculated in accordance with the provisions of 70 O.S. § 1210.526(D).~~

~~(h) — **Oklahoma School for the Blind and the Oklahoma School for the Deaf.** The Oklahoma School for the Blind and the Oklahoma school for the Deaf shall be deemed local education agencies ("LEAs") solely for the purposes of purchasing, administering and obtaining results for the EOI exams necessary to comply with the requirements of 70 O.S. § 1210.523 for the students attending their schools.~~

RULE IMPACT STATEMENT

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [REVOKED]

- a. **What is the purpose of the proposed rule change?**
The rule lays out the state graduation requirements that were in place under the Achieving Classroom Excellence (ACE) Act, and an appeal process for students who were denied a diploma under the requirement to pass four of the seven end-of-instruction (EOI) exams required by 70 O.S. § 1210.523. This rule must be revoked because 70 O.S. § 1210.523 was repealed by House Bill 3218 (2016), and the EOI exam graduation requirements are no longer in place.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed change will affect students and school districts.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit students and school districts.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** September 6, 2016

STATUTORY AUTHORITY FOR 210:10-13-16

Oklahoma Statutes

Title 70. Schools

Chapter 22 - Testing and Assessment

Achieving Classroom Excellence Act of 2005

Section 1210.523 - Repealed

Repealed by Laws 2016, HB 3218, c. 360, § 12, emerg. eff. July 1, 2016

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 25. FINANCE
SUBCHAPTER 5. BUDGETING AND BUSINESS MANAGEMENT
PART 2. PERSONNEL AND PROCEDURES

210:25-5-10. The encumbrance clerk

(a) **Duties and responsibilities.** The encumbrance clerk shall be employed by the district board of education and may also serve as the minute clerk. The encumbrance clerk is responsible for the following duties:

- (1) Maintain Appropriation and Encumbrance Ledger.
- (2) Determine that encumbrances do not exceed appropriations and are for purpose of appropriation charged.
- (3) May complete purchase orders.
- (4) Transmit warrants to vendor(s).
- (5) Perform such other duties as the board or its committees may require.

(b) **Required forms and documents.** In performing the required duties of the position the Encumbrance Clerk needs the following forms and documents:

- (1) A supply of approved purchase order blanks.
- (2) A supply of approved warrant blanks.
- (3) A copy of the following:
 - (A) S.A.&I Form 2661, Estimate of Needs.
 - (B) S.A.&I. Form 307, Request for approval of State Aid and/or Federal Funds.
 - (C) Form 308 - Cash Fund Estimate and Request for Appropriation.
 - (D) Form 150 - Supplemental Estimate
- (4) Other forms to meet board's requirements.

(c) **Additional duties - dual appointments as minute clerk.** If also serving as the minute clerk additional duties to perform:

- (1) Maintain an accurate journal of the proceedings of the board of education.
- (2) Perform such other duties as the board or its committees may require.

(d) **Encumbrance clerk training and continuing education requirements.** Every school district encumbrance clerk shall complete the following training requirements in accordance with the provisions of 70 O.S. § 5-190:

- (1) **Encumbrance clerk training.** Within nine (9) months after the first day of employment as an encumbrance clerk by a local school district, or within three (3) years prior to employment in the position, every school district encumbrance clerk shall complete at least twelve (12) hours of approved instruction that meets all of the following requirements:
 - (A) Any courses of instruction or workshop of courses offered for purposes of meeting the requirements of this subsection shall be approved for credit by the State Department of Education Office of Financial Services;
 - (B) The instruction shall address all of the following topics:
 - (i) School finance laws of the State;
 - (ii) Accounting;
 - (iii) Ethics;
 - (iv) Duties and responsibilities of a school district encumbrance clerk.
- (2) **Encumbrance clerk continuing education.** In addition to the requirements of (1) of this subsection, every school district encumbrance clerk shall be required to complete an

additional twelve hours (12) of approved continuing education instruction every three (3) years from the date of initial employment with a school district. The twelve (12) hours of required continuing education instruction shall meet all of the requirements for encumbrance clerk training set forth in (1) of this subsection.

(e) **Certificates of completion.** As a condition of course approval, every instructor of a school district encumbrance clerk course or coordinator of a workshop of school district encumbrance clerk courses shall provide a certificate of completion to encumbrance clerks upon successful completion of the course or workshop offered for the purpose of fulfilling the requirements of (d) of this Section. Upon completion of the course, copies of the certificate, signed by the course instructor or the workshop coordinator, shall be forwarded by the encumbrance clerk to the district board president or the board president's designee.

(f) **Compliance.** Failure to comply with the training requirements set forth in this Section shall result in a deficiency on the accreditation report of the school district that employs the encumbrance clerk.

210:25-5-11. The school district treasurer

(a) **Overview.** The law requires the county treasurer of each county to also be the school district treasurer for all school districts in the County, except that the board of education in each school district may appoint a local treasurer. All school districts are also allowed to employ an assistant local treasurer. An assistant local treasurer may perform any of the duties and exercise any of the powers of the local treasurer with the same force and effect. A school district treasurer or assistant treasurer may also serve as a minute clerk. The local treasurer and/or assistant treasurer shall be a resident of this state. A local treasurer or assistant local treasurer may be appointed for more than one school district. Since the State Auditor and Inspector is directly charged by law to prescribe the forms and procedures for the operation of the county treasurer's office, nothing herein is intended to disturb or supersede any directive or advice from the Auditor's Office. It is, however, agreed upon by the above mentioned office and the Department of Education that if the treasurer follows the principles and procedures as provided below for the operation of the local treasurer's office of the school district, a valuable service to boards of education, taxpayers and the general public will occur.

(b) **Duties and responsibilities.** The Treasurer is required by law to:

(1) Ensure that warrants shall show warrant number, fiscal year, and fund against which the warrant is being drawn.

(2) Code all receipts using the Oklahoma Cost Accounting System dimensions of Fiscal Year, Fund, Project Reporting, Source of Revenue, Program, and Operational Unit, to the bold dimension for State Department of Education requirements. If coded in detail have ability to roll dimensions to the bold for magnetic media transfer to State Department of Education.

(3) The Treasurer of a School District shall keep the following computerized records based on the following format:

- (A) SA&I, Form 208 (1967) Treasurer's General Ledger.
- (B) SA&I, Form 2061 (1967) Treasurer's Cash Ledger.
- (C) SA&I, Form 2062 (1967) Treasurer's Investment Ledger.
- (D) SA&I, Form 207 (1967) Treasurer's Warrant Ledger.
- (E) SA&I, Form 411 (1967) Treasurer's Receipt.
- (F) SA&I, Form 410 (1967) Treasurer's Check.

- (G) SA&I, Form 1141 (1967) Bond Register.
 - (H) Deposit Books.
 - (I) Such other records as may be deemed advisable or useful.
- (4) The Treasurer shall also maintain adequate files of:
- (A) Paid Warrants--Warrants purchased with a treasurer's check, shall be filed by group in the numerical order of the treasurer's checks which paid them. Each group of warrants paid by a treasurer's check shall also have a copy of the treasurer's check with which they were purchased attached to them.
 - (B) Voided Warrants--Shall be filed in the numerical order of their issuance by fund and by fiscal year in a separate file and shall be sufficiently mutilated to prevent their being cashed but not mutilated as to not be identifiable.
 - (C) Paid Bonds and Coupons.
 - (D) Canceled Bonds and Coupons.
 - (E) Bank and fiscal agency statements, including deposit tickets and paid warrants/checks.
 - (F) County Clerk's remittance advises.
 - (G) Copies of any directive from the County Clerk or County Excise Board supplementing, changing or transferring appropriation balances.
 - (H) State Board of Education notices and allocation of State and Federal Aid.
 - (I) School board resolutions pertinent to the conduct of the School Treasurer's office and duties.
 - (J) Letters, memos, or other supporting data pertaining to transactions of the school district or to the operation of the Treasurer's office.
 - (K) Any other files which may be considered advisable or useful.
- (c) **Treasurer training and continuing education requirements.** Every school district treasurer who does not also act as the county treasurer shall complete the following training requirements in accordance with the provisions of 70 O.S. § 5-190:
- (1) **Treasurer clerk training.** Within nine (9) months after the first day of assuming duties as a local school district treasurer, or within three (3) years prior to employment in the position, every school district treasurer shall complete at least twelve (12) hours of approved instruction that meets all of the following requirements:
 - (A) Any courses of instruction or workshop of courses offered for purposes of meeting the requirements of this subsection shall be approved for credit by the State Department of Education Office of Financial Services;
 - (B) The instruction shall address all of the following topics:
 - (i) School finance laws of the State;
 - (ii) Accounting;
 - (iii) Ethics;
 - (iv) Duties and responsibilities of a school district treasurer.
 - (2) **Treasurer continuing education.** In addition to the requirements of (1) of this subsection, every school district treasurer shall be required to complete an additional twelve hours (12) of approved continuing education instruction every three (3) years from the date of initial employment with a school district. The twelve (12) hours of required continuing education instruction shall meet all of the requirements for treasurer training set forth in (1) of this subsection.

(d) **Certificates of completion.** As a condition of course approval, every instructor of a school district treasurer course or coordinator of a workshop of school district treasurer courses shall provide a certificate of completion to treasurers upon successful completion of the course or workshop offered for the purpose of fulfilling the requirements of (c) of this Section. Upon completion of the course, copies of the certificate, signed by the course instructor or the workshop coordinator, shall be forwarded by the treasurer to the district board president or the board president's designee.

(e) **Compliance.** Failure to comply with the training requirements set forth in this Section shall result in a deficiency on the accreditation report of the school district that employs the treasurer.

RULE IMPACT STATEMENT

210:25-5-10. The encumbrance clerk [AMENDED]

210:25-5-11. The school district treasurer [AMENDED]

- a. **What is the purpose of the proposed rule change?**
70 O.S. § 5-190, the statute directing what training is required for school district treasurers and encumbrance clerks, was amended by House Bill 2315 (2016) to allow for the training requirements to be satisfied by instruction completed within three (3) years prior to employment in the position. The rules governing school district encumbrance clerks and treasurers currently only provide for training within nine (9) months after employment, and must be updated to reflect the new prior-instruction option.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect school district treasurers and encumbrance clerks.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school district treasurers and encumbrance clerks, who will be able to receive credit for qualifying instruction completed in the three years before assuming financial duties in a school district.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** September 6, 2016

STATUTORY AUTHORITY FOR 210:25-5-10 AND 210:25-5-11

Oklahoma Statutes

Title 70. Schools

Chapter 1 - School Code of 1971

Section 5-190 - School District Treasurer and Encumbrance Clerk - Instruction and Continuing Education

- A. Before July 1, 2007, every school district treasurer shall complete at least twelve (12) hours of instruction on school finance laws of this state, accounting, ethics, and the duties and responsibilities of a school district treasurer.
- B. Before July 1, 2007, every school district encumbrance clerk shall complete at least twelve (12) hours of instruction on school finance laws of this state, accounting, ethics, and the duties and responsibilities of a school district encumbrance clerk.
- C. Except as otherwise provided for, every school district treasurer and encumbrance clerk employed after July 1, 2007, shall be required, within nine (9) months after employment in the position by a school district, to complete the instruction required pursuant to subsections A and B of this section. Any instruction as described in subsections A and B of this section completed by the school district treasurer or encumbrance clerk within three (3) years prior to employment in the position by the school district shall count toward satisfying the requirements of this subsection.
- D. Every school district treasurer and encumbrance clerk shall be required to complete a minimum of twelve (12) hours of continuing education every three (3) years, in addition to the requirements of subsections A and B of this section.
- E. The requirements of this section shall not apply to any county treasurer who also acts as a school district treasurer; however, nothing herein shall prevent a county treasurer from attending such training or continuing education.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY,
SECONDARY, MIDDLE LEVEL, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 3. STANDARDS FOR ELEMENTARY, MIDDLE LEVEL,
SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
PART 19. STANDARD X: SCHOOL FACILITIES**

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety

(a) **General requirements for school facilities.** All school facilities shall meet the following requirements:

(1) The site and building(s) shall be properly sized and equipped for the number of occupants and grades served in accordance with the requirements of 70 O.S. § 5-131.

(2) Adequate space shall be provided for classrooms, specialized instructional areas, support facilities and other areas as needed, these areas being grouped and arranged in such manner to provide optimum instructional function and class control.

(b) **Accessibility requirements for school facilities.** The site and building(s) shall be readily accessible, and shall meet all requirements of state and federal law in providing access for students with disabilities.

(c) **Capital improvement plans.** Each school district shall develop and adopt a four-year capital improvement plan for all public schools in the district that meets the requirements of 70 O.S. 18-153 and 210:30-1. School facilities shall be able to accommodate changes in curriculum and/or equipment within a program.

(d) **Maintenance of school facilities and equipment.** Programs for preventive and corrective maintenance shall be developed and implemented to ensure that the site and building(s) will be clean, in good repair, and maintained with consideration for function and aesthetic values. Equipment, furnishings, and supplies in proper quantity and quality shall be maintained; and a system shall be developed and implemented for inventory, issue, usage, storage, repair, and replacement.

(e) **Health and safety.** The site and building(s) shall ensure that the health and safety of all school students, school personnel, and school visitors are properly safeguarded.

(1) **Building code compliance.** Where required, the facility shall have utility systems, plumbing systems, electrical systems, mechanical systems, emergency systems, building interiors and building envelope designed, built, and maintained to all federal, state, and local standards, codes and/or other legal requirements.

(2) **Loading and unloading zones.** The site shall be as free as possible from hazards, provide a safe area for (un)loading of vehicles, with adequate lighting, signage and drainage.

(3) **Hazardous materials.** Appropriate programs pertaining to hazardous materials, hazardous waste, asbestos, underground storage tanks, lead contamination, and other applicable life, health, and/or safety matters shall be developed and implemented in accordance with federal, state, and local statutes, regulations, and codes.

(4) **Emergency warning and prevention systems.** Proper precautions shall be taken to prevent injuries. All equipment and facility safety features shall be in place and properly maintained, including, but not limited to safety goggles in accordance with the requirements of 70 O.S. §24-117 and respirators in accordance with the requirements of 70 O.S. §24-118.

(f) **School safety inspections.** The school's administration shall ensure that qualified personnel conduct a safety/emergency/disaster procedure review at least annually and safety inspections of site, building(s), and equipment regularly.

(g) **School safety drills.** Each public school district shall adopt policies and procedures for each type of safety drill required by this subsection. All safety drills shall conform to the written plans and procedures adopted by the district for protecting against natural and man-made disasters and emergencies as required by Title 63 O.S. § 681 and 70 O.S. §§ 5-148 and 5-149.

(1) **Compliance documentation.** Each public school district shall document compliance with the requirements of this subsection by each school site in writing as follows:

(A) The records for each fire drill shall be preserved for at least three (3) years and shall be made available to the State Fire Marshal or the designated agent of the State Fire Marshal upon request. In addition, one copy of the fire drill compliance report shall remain at each school site and one copy shall be filed with the school district's administrative office;

(B) In addition to the fire drill documentation required by (1)(A) of this subsection, each public school district shall document all other required safety drills in writing by school site. One copy of the safety drill compliance report shall remain at each school site and one copy shall be filed with the school district's administrative office. Each school district shall also submit documentation in writing for each school site to the Oklahoma Office of Homeland Security Oklahoma School Security Institute in accordance with the Institute's established forms, policies and/or procedures; and

(C) Each school district shall make all of its safety compliance reports required by this subsection available to the Regional Accreditation Officer during the accreditation process.

(2) **Safety drill types and requirements.** Each school district shall ensure that every public school within the district shall conduct no fewer than ten (10) safety drills per school year at each school site. All students and teachers at the public schools shall participate. Safety drills conducted in accordance with this subsection shall meet all of the following requirements:

(A) **Fire drills.** Each public school district shall conduct a minimum of two (2) fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of the beginning of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal.

(B) **Tornado drills.** Each public school district shall conduct a minimum of two (2) tornado drills per school year, in which all students and school employees participate. At least one (1) tornado drill shall be conducted in the month of September and at least one (1) tornado drill shall be conducted during the month of March.

~~(C) **Lockdown drills.** All public schools shall have a minimum of two (2) lockdown drills each school year. No lockdown drill shall be conducted at the same time of day as a previous lockdown drill conducted in the same school year.~~

~~(D) **Intruder drills.** In addition to the two lockdown drills required in this subsection, all public schools shall conduct two (2) intruder drills per school year. Intruder drills shall be conducted for the purpose of mitigating injuries or deaths by execution of a plan as an alternative to the lockdown drills required by (2)(C) of this subsection. The two required intruder drills shall be conducted within the first fifteen (15) days of each semester.~~

(C) Security drills. Each public school shall conduct a minimum of four (4) security drills per school year, with two (2) security drills conducted per semester. One security drill shall be conducted within the first fifteen (15) days of each semester. No security drill shall be conducted at the same time of day as a previous security drill conducted in the same school year. Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat around or in the school.

(ED) Additional safety drills. The principal of each public school shall, at the direction of the district superintendent, utilize the remaining two (2) required safety drills for one or more of the following purposes:

- (i) To conduct additional drills of any of the types provided in this subsection;
- (ii) To conduct one or more drill(s) developed by the district that is consistent with the risks assessed for the school facility; or
- (iii) To conduct one or more drills in accordance with recommendations submitted by the Safe School Committee as authorized by the provisions of 70 O.S. § 24-100.5 or any assisting fire or law enforcement department.

RULE IMPACT STATEMENT

210:35-3-186. Site and buildings: size and space; accessibility; maintenance; health and safety [AMENDED]

- a. **What is the purpose of the proposed rule change?**
House Bill 2931 (2016) amended 70 O.S. §§ 5-148 and 5-149 to change the requirements for certain types of safety drills. Prior to HB 2931, public schools were required to conduct two (2) "lockdown drills" and two (2) "intruder drills" per school year. The amended statutory provisions now require four (4) "security drills" in place of the former lockdown and intruder drills, and the rule addressing school building health and safety must be updated to reflect the new drill requirements.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect school districts and students.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts and students, allowing for a security drill program more tailored to the needs of each school site.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed rule change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.

- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**

The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.

- k. **Date Prepared:** September 6, 2016

STATUTORY AUTHORITY FOR 210:35-3-186

ENROLLED HOUSE
BILL NO. 2931

By: McCullough of the House

and

Silk of the Senate

An Act relating to school safety; amending 70 O.S. 2011, Section 5-148, which relates to lockdown drills; changing reference to type and number of certain drills; requiring one security drill to be conducted within certain time frame; amending Section 1, Chapter 53, O.S.L. 2013, as amended by Section 1, Chapter 45, O.S.L. 2014 (70 O.S. Supp. 2015, Section 5-149), which relates to required safety drills; changing reference to type and number of certain drills; removing language related to required intruder drills; removing language related to the extent of required student involvement in certain drills; updating reference to certain institute; providing an effective date; and declaring an emergency.

SUBJECT: School safety

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-148, is amended to read as follows:

Section 5-148. Each district board of education shall ensure that a minimum of ~~two lockdown~~ four security drills are conducted at each public school within the district each school year. No ~~lockdown security~~ drill shall be conducted at the same time of day as a previous ~~lockdown security~~ drill conducted in the same school year, and no more than ~~two lockdown security~~ drills shall be conducted in one semester. One security drill shall be conducted within the first fifteen (15) days of each semester. Additional drills may be conducted at the discretion of the district. Lockdown Security drills shall be conducted for the purpose of securing school buildings to prevent or mitigate injuries or deaths that may result from a threat ~~on~~ around or ~~near~~ in the school. The drills shall conform to the written plans and procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students and employees shall participate in the drills, with the extent of student involvement to be determined by the district.

The State Board of Education shall adopt rules to implement the provisions of this section.

SECTION 2. AMENDATORY Section 1, Chapter 53, O.S.L. 2013, as amended by Section 1, Chapter 45, O.S.L. 2014 (70 O.S. Supp. 2015, Section 5-149), is amended to read as follows:

Section 5-149. A. In addition to the ~~two lockdown~~ four security drills required pursuant to Section 5-148 of this title, all public schools shall conduct a minimum of ~~eight~~ six safety drills as follows:

1. Two fire drills per school year. Each fire drill shall be conducted within the first fifteen (15) days of each semester. The fire drills shall include the sounding of a distinctive audible signal designated as the fire alarm signal;

~~2. Two intruder drills per school year. Intruder drills are conducted for the purpose of mitigating injuries or deaths by executing a plan as an alternative to the lockdown method. Each intruder drill shall be conducted within the first fifteen (15) days of each semester;~~

~~3. Two tornado drills per school year with at least one drill being conducted in the months of September and March; and~~

4. 3. The principal and superintendent of a public school district shall utilize the remaining required safety drills in any manner provided in this section or Section 5-148 of this title or by developing a drill that is consistent with the risks assessed for the appropriate facility or any recommendations submitted by the Safe School Committee as authorized pursuant to Section 24-100.5 of this title or any assisting fire or law enforcement department.

B. It shall be the duty of the principal, under the direction of the superintendent of the school district, to conform to the written plans and procedures adopted by the district as required by Section 681 of Title 63 of the Oklahoma Statutes. All students and teachers at the public schools shall participate; ~~provided, however, that the extent of student involvement required in paragraph 2 of subsection A of this section be determined by the district.~~

C. Each public school district shall document each fire drill in writing by public school site. The records for each fire drill shall be preserved for at least three (3) years and made available to the State Fire Marshal or the marshal's agent upon request. In addition to the fire drill documentation provided in this subsection, the school district shall document all other safety drills in writing and by school site with a copy of the report remaining at the school, a copy filed with the district administrative office and a copy with the Oklahoma School Security Institute ~~for School Security Resources~~ as created by the Oklahoma Office of Homeland Security.

SECTION 3. This act shall become effective July 1, 2016.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE
LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS
SUBCHAPTER 25. STUDENT ENTRANCE AND PROGRESSION THROUGH
THE SYSTEM**

210:35-25-3. Annual student dropout reports to local school boards

(a) The principal or a representative of each site serving students in Grades 7-12 shall review and discuss in a local school board meeting, the certified annual site dropout report submitted by the school district to the State Department of Education. The local review and discussion shall occur at the next open school board meeting after the district certifies the ~~four quarterly reports as well as the reentry checklist if applicable~~ annual report. The discussion shall be reflected in the board minutes.

(b) Each school site that serves students in Grades 7-12 is required to submit online its accounting of dropouts to the State Department of Education ~~quarterly and~~ annually. Each report is certified locally as an accurate accounting of the dropouts for each site. The annual ~~reentry checklist~~ report is due to the State Department of Education ~~no later than October 19 of~~ each year on the date designated by the agency, for inclusion in the annual state dropout report to the State Board of Education, the Governor, and the State Legislature. ~~This reentry checklist report should be used to generate the annual report to the local school board.~~

RULE IMPACT STATEMENT

210:35-25-3. Annual student dropout reports to local school boards [AMENDED]

- a. **What is the purpose of the proposed rule change?**
Senate Bill 1004 (2016) amended 70 O.S. § 35e to eliminate the requirement for school districts to submit quarterly dropout reports to the State Department of Education, requiring instead one annual submission of a district's pupil dropout information. The rule must be updated to remove language requiring quarterly submissions.
- b. **What classes of persons will be affected by the proposed rule change and what classes of persons will bear the costs of the proposed rule change?**
The proposed changes will affect school districts.
- c. **What classes of persons will benefit from the proposed rule change?**
The proposed changes will benefit school districts by reducing the administrative burden of preparing and submitting quarterly reports.
- d. **What is the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions?**
The agency does not anticipate any economic impact upon affected classes of persons or political subdivisions as a result of implementation of the proposed change at this time.
- e. **What is the probable cost to the agency to implement and enforce the proposed rule change?**
The agency does not anticipate any cost to the agency to implement and enforce as a result of the proposed change in the rule at this time. Additional record keeping, if any, will be performed by existing staff.
- f. **What is the economic impact on any political subdivision to implement the proposed rule change?**
The agency does not anticipate any economic impact on any political subdivision to implement the proposed rule change at this time.
- g. **Will implementing the rule change have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act?**
The agency does not anticipate any adverse economic impact on small business as a result of the proposed rule change at this time.
- h. **Are there any other methods which are less costly, nonregulatory, or less intrusive to achieve the purpose of the proposed rule change?**
No.
- i. **Will the rule change impact the public health, safety, and environment, and is the change designed to reduce significant risks to the public health, safety, and environment? If so, explain nature of risk and to what extent the proposed rule change will reduce the risk.**
The agency does not anticipate any impact on public health, safety, or environment as a result of implementation of the proposed rule at this time.
- j. **What detrimental effect will there be on the public health, safety, and environment if the rule change is not implemented?**
The agency does not anticipate any detrimental effect on public health, safety, or environment as a result of failure to implement the proposed rule at this time.
- k. **Date Prepared:** September 6, 2016

STATUTORY AUTHORITY FOR 210:35-25-3

Oklahoma Statutes

Title 70. Schools

Chapter 3 - In General

**Section 35e - Dropouts - Reports - Tabulation of Statistics - Dissemination of Information -
Report to Legislature - Definition**

A. It shall be the duty of the superintendent, principal or head teacher of each public or private middle, junior high and high school accredited by the State Department of Education in the State of Oklahoma to notify the Department **annually as scheduled by the Department** of the name, address, race and age of any pupil dropping out from the school during the preceding year. The report shall be made on forms prescribed and furnished by the Department.

B. The State Board of Education shall cause these statistics of school dropouts to be tabulated by grade and school district. Information of school dropouts shall be made available to the Oklahoma Department of Career and Technology Education, the Bureau of Indian Affairs, the Military Department of the State of Oklahoma for use in the youth educational programs provided by the Department and the State Department of Health.

C. The State Department of Education shall make an annual report to the Legislature prior to the convening of each regular session thereof of information received and tabulated pursuant to this section.

D. For the purposes of this section, school dropout means any student who is under the age of nineteen (19) and has not graduated from high school and is not attending any public or private school or is otherwise receiving an education pursuant to law for the full term the schools of the school district in which the student resides are in session.